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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,773	09/04/2003	Ronald E. Kissell	20121-72990	5497
23643	7590	03/13/2006	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			HOOK, JAMES F	
			ART UNIT	PAPER NUMBER
			3754	
DATE MAILED: 03/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/654,773

Applicant(s)

KISSELL, RONALD E.

Examiner

James F. Hook

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 6-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/03; 1/04; 6/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of group I, and the species of figure 3 in the reply filed on January 13, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

It is noted that claim 11 was considered to read on the elected species of figure 3, however, this claim is dependent upon claim 10 which is withdrawn as containing content not directed to the elected figure and therefore claim 11 also contains the subject matter from which it depends, specifically claim 10, which applicant states does not read upon the elected species, and figure 3 also fails to show any strap as is claimed in claim 11, therefore the subject matter of claim 11 itself also does not appear in the elected figure 3 embodiment. Therefore, claim 11 is also considered non-elected and is hereby withdrawn from further consideration as being drawn to a non-elected species.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by McClintock (969). The patent to McClintock discloses the recited pipe blanket for

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wrapping around and insulating a pipe comprising an insulation mat which is provided with a jacket 83 as is known in the art and which can be made of the same structure as set forth in various patents incorporated by reference including McClintock (410) discussed below, the insulation has a side connected to the jacket and another side that contacts a pipe, a closure means in the form of flap 81 that overlaps the gap in the insulation which secures the mat around a pipe, wherein due to the nature of the insulation and flap connection it is inherent that the insulation can be used for a variety of pipes having different diameters, the flap has a portion that couples to the outer surface of the cover or jacket and also attaches to the inside of the overlap flap 81 when the insulation is around the pipe, the adhesive of the closure means includes a weak adhesive 25 which is removable, a release strip 22 covers a strong adhesive 26 which is adjacent the weak adhesive with only the release strip separating the two adhesives, the weak adhesive allows for temporary positioning of the insulation, and upon the removal of the release strip allows the permanent adhesive to more permanently close the insulation around a pipe, where the jacket material can include some sort of reinforcement as set forth in the patents disclosed as being incorporated in the (969) patent.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Fontanilla. The patent to Fontanilla discloses the recited pipe blanket for wrapping around and insulating a pipe comprising an insulation mat 14 which is provided with a jacket 16 as is known in the art, the insulation has a side connected to the jacket and another side that contacts a pipe, a closure means in the form of flap 20 that overlaps

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the gap in the insulation which secures the mat around a pipe, wherein due to the nature of the insulation and flap connection it is inherent that the insulation can be used for a variety of pipes having different diameters, the flap has a portion that couples to the outer surface of the cover or jacket and also attaches to the inside of the flap when the insulation is around the pipe, the adhesive of the closure means includes a weak adhesive 28 which is removable, a release strip 24 covers a strong adhesive 30 which is adjacent the weak adhesive with only the release strip separating the two adhesives, the weak adhesive allows for temporary positioning of the insulation, and upon the removal of the release strip allows the permanent adhesive to more permanently close the insulation around a pipe.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fontanilla in view of McClintock (410). The patent to Fontanilla discloses all of the recited structure with the exception of providing a reinforcing laminate layer. The patent to McClintock discloses that it is old and well known in the art to form the cover layer of an insulation of various materials including plastics and papers where paper is considered to be a reinforcing laminate layer where the fibers act as the reinforcement. It would have been obvious to form the cover layer of Fontanilla by providing a

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reinforcing layer such as a paper layer as suggested by McClintock as such is an equivalent type of material used to form cover layers of insulation as is old and known in the art, where such would provide the cover layer with more strength to prevent premature failure thereby saving replacement costs.

### ***Conclusion***

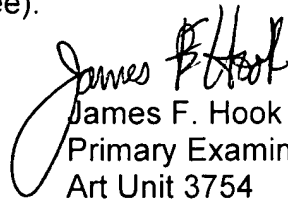
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to McClintock (453 and 217), Pithouse, Cohen (957 and 830), Robbins, Cridland, and Simmons disclosing state of the art insulations and connection means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James F. Hook  
Primary Examiner  
Art Unit 3754

JFH